

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:18-CR-179-FL-1

UNITED STATES OF AMERICA

v.

MEGAN ELIZABETH BARDEEN,

Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., regarding petitions of Corning Federal Credit Union (“CFCU”) and Michelle Clayton (“Clayton”), interested third parties, for relief from a preliminary order of forfeiture and the government’s motion to dismiss Clayton’s petition. (DE 32, 34, 38). The government also responded to all third-party petitions, (DE 40), and it has filed notices of service, additional filings pertaining to service, and a declaration of publication. (DE 44-46). No objections to the M&R have been filed, and in this posture this matter is ripe for ruling.

The district court reviews de novo those portions of a magistrate judge’s M&R to which specific objections are filed. 28 U.S.C. § 636(b). Absent a specific and timely filed objection, the court reviews only for “clear error,” and need not give any explanation for adopting the M&R. Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983).

In this case, the magistrate judge has thoroughly and cogently addressed the issues raised by the instant petitions and motions. Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own. Accordingly, CFCU’s petition for relief (DE 32) is ALLOWED, the government’s motion to dismiss (DE 38) is DENIED, and the court sets a **30 day** period of discovery from the date

of this order, pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(B) to resolve factual issues relating to Clayton's petition for relief (DE 34). Within **14 days** of the close of the period of discovery, in the event Clayton still wishes to pursue her petition, Clayton is DIRECTED to resubmit her petition signed under penalty of perjury. Within **21 days** of the close of the period of discovery, either party may move for summary judgment on the issue of whether a recorded lease shall be included in the court's final order of forfeiture. Finally, no hearing is necessary for CFCU to demonstrate that it has a third priority interest superior to defendant's interest. Accordingly, CFCU's interest in the property will be recognized in the court's final order of forfeiture.

SO ORDERED this the 11th day of September, 2019.

  
LOUISE W. FLANAGAN  
United States District Judge